

## APPENDIX B

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CASE NUMBER: CV06-402 TUR RCC

RUSSELL E. CORBIN, PLAINTIFFS  
ET AL

vs.

UNIFUND CCR PARTNERS, DEFENDANTS  
ET AL

\* \* \* \* \*

DEPONENT: JEFFREY A. SHAFFER

DATE: MARCH 16, 2007

\* \* \* \* \*

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Certified Court Reporter

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<p>1 <b>Q. What is done with this particular</b>  2 <b>document, if you know?</b>  3 A. This document is typically forwarded to  4 our attorneys with the affidavit.  5 <b>Q. Does this particular document show that</b>  6 <b>Mr. Corbin was in the military?</b>  7 A. There is no indication on this document  8 that Mr. Corbin is in the military.  9 <b>Q. What does it have for his address?</b>  10 A. 13518 West Young Street.  11 <b>Q. Uh-huh. And where is that located?</b>  12 A. Arizona.  13 <b>Q. Is this particular document provided to</b>  14 <b>the consumer or debtor such as Russell Corbin?</b>  15 A. By Unifund?  16 <b>Q. Yes.</b>  17 A. No.  18 <b>Q. In your note at the bottom it's got a</b>  19 <b>particular disclosure on it that indicates this is</b>  20 <b>from a debt collector. Federal law requires the</b>  21 <b>information that this is an attempt to collect a</b>  22 <b>debt and that any information obtained would be used</b>  23 <b>for that purpose?</b>  24 A. Yes, that's a mini-Miranda.  25 <b>Q. And why, why is that, why are those</b></p>	<p>1 A. Deviated in what manner?  2 <b>Q. In the way that you present this</b>  3 <b>particular statement to the attorney for collection</b>  4 <b>purposes.</b>  5 MS. FULTON: Objection. Quite frankly, I  6 don't understand what your question is.  7 When you're asking if it deviated, are  8 you asking if the format changed or are  9 you asking something else?  10 <b>Q. Did you understand my question?</b>  11 A. No.  12 <b>Q. Your attorney did what was called a</b>  13 <b>speaking objection, so I will go over it. I will go</b>  14 <b>over with you the same question. You indicated that</b>  15 <b>this particular document was provided to attorneys</b>  16 <b>for collection purposes, is that fair?</b>  17 A. Yes.  18 <b>Q. Is it provided to collection attorneys for</b>  19 <b>collection purposes today?</b>  20 A. Yes.  21 <b>Q. Has it always been, to the best of your</b>  22 <b>knowledge?</b>  23 A. No.  24 <b>Q. Was there a period of time that it wasn't</b>  25 <b>provided to collection attorneys?</b></p>
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<p>1 <b>mini-Miranda rights on the bottom?</b>  2 A. Mini-Mirandas are printed on every letter  3 that is printed from Unifund just as a, it's a  4 required notice under the FDCPA that's required to  5 be put on all communications.  6 <b>Q. And this particular communication wasn't</b>  7 <b>forwarded to Mr. Corbin, is that fair?</b>  8 A. Not by Unifund.  9 <b>Q. Why was this information put on there if</b>  10 <b>it wasn't to be provided to you?</b>  11 A. Some of our attorneys send this statement  12 out to the debtors in conjunction with a letter that  13 they send.  14 <b>Q. How long has this practice about printing</b>  15 <b>out this letter or this particular document and</b>  16 <b>forwarding it to the attorneys, how long has that</b>  17 <b>been in practice?</b>  18 A. I don't recall.  19 <b>Q. It's been a number of years?</b>  20 A. Yes.  21 <b>Q. Has it been from 2000 to the present, if</b>  22 <b>you know?</b>  23 A. I don't recall.  24 <b>Q. Has it been from -- has it ever deviated</b>  25 <b>from what you've testified to today?</b></p>	<p>1 A. Yes.  2 <b>Q. What was that period of time?</b>  3 A. Don't know.  4 <b>Q. Has this particular document ever, to the</b>  5 <b>best of your recollection ever been provided</b>  6 <b>directly to a debtor?</b>  7 A. No.  8 <b>Q. Has it ever been directly provided to a</b>  9 <b>debtor by Unifund CCR Partners?</b>  10 A. Isn't that what you just asked me?  11 <b>Q. Yes. I just asked you, I asked you in</b>  12 <b>general, and then I asked you specifically about</b>  13 <b>Unifund CCR Partners.</b>  14 A. I think I answered previously, Unifund CCR  15 Partners has never mailed this statement out to a  16 consumer. Our attorneys have sometimes included it  17 in their communication to the consumers, but I don't  18 know who has done that and who has not.  19 (Plaintiff's Exhibit F was marked for  20 identification.)  21 <b>Q. That's fair. I'm going to hand to you</b>  22 <b>what has been marked as Exhibit F and ask you to</b>  23 <b>look at it, please. Have you ever seen a document</b>  24 <b>like this before?</b>  25 A. Yes.</p>

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<p>1 Q. Does this appear to be a document 2 regarding an alleged debt owed by Mr. Corbin? 3 A. Yes. 4 Q. And I know it's not really easy to read, 5 but it appears the statement is dated December 25th, 6 2003? 7 A. Yes. 8 Q. And it appears that the charged-off amount 9 was \$3934.18? 10 A. It's really hard to make out. I, I -- it 11 looks close. 12 Q. And then as far as the charge-off account 13 finance charge, can you read that amount? To me it 14 appears to be \$648.54. 15 A. This statement is printed so small that I 16 can't read those numbers. 17 Q. Right, but that appears to be close, 18 doesn't it? I mean it's, you might need a 19 magnifying glass but -- 20 A. Somewhere in that ball park. 21 Q. The Unifund statement that you looked at 22 before which I'm going to hand back to you, it's 23 Exhibit E. 24 A. Uh-huh. 25 Q. Shows an amount of \$6671.41, is that fair?</p>	<p>1 A. I can't tell from that address that he's 2 in the military. 3 Q. In reviewing this Unifund statement to 4 refresh your memory, do you recall that that 5 particular statement wasn't sent out from 2004 to 6 2006? 7 A. I'm sorry. Can you repeat your question? 8 Q. Yeah, certainly. I'm not trying to trick 9 you. The Unifund statement that you have before 10 you, do you recall that that statement wasn't sent 11 out to debtors from at least 2004 to 2006? 12 A. Unifund has never anytime ever generated 13 this statement and mailed it to the debtors that I'm 14 aware of. 15 Q. Do you recall any different policy other 16 than what you've just described to me? 17 A. No. 18 Q. Are you familiar with the fact that 19 Exhibit D, which you previously identified as the 20 Affidavit of Indebtedness, was submitted by an 21 attorney as a part of a civil case? 22 A. Yes. 23 Q. Are you aware of the fact that it was 24 attached actually to a complaint? 25 A. Yes.</p>
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<p>1 A. Yes. 2 Q. Can you explain the difference? 3 A. Sure. The Bank One statement was printed 4 in, this appears to be 2003, and this Unifund 5 statement is a balance as of 2005. So there's an 6 additional almost two years of interest that accrued 7 on the account. 8 Q. Looking at the Unifund statement again, 9 Exhibit E, why does that appear -- it has a date of 10 September 19th of 2005? 11 A. Yes. 12 Q. Do you know why it appears as if it was 13 mailed on that particular date to him? 14 A. I don't see any indication that it says 15 anything was mailed. 16 Q. Well, it has -- 17 A. I don't follow you. 18 Q. It has his name and address at the top. 19 So by implication, does it look like it was mailed 20 that date to him? 21 MS. FULTON: Objection, misstates the 22 testimony that's previously been given. 23 Q. Do you know this particular address, 24 whether that address is a military base or any 25 designation of whether or not he's in the military?</p>	<p>1 Q. It's fair to say that that particular 2 Affidavit of Indebtedness is prepared completely by 3 electronic transfers, and in this case it would be 4 from Chase Manhattan Bank without any documents to 5 verify the data? 6 A. I'm sorry. That was a really long 7 question. I didn't get that. 8 Q. Yes, that's true. I'll give it to you 9 again. Is it fair to say that the Affidavit of 10 Indebtedness that you've seen, Exhibit D, was 11 prepared completely from electronic transfers from 12 Chase Manhattan Bank? 13 A. No, I don't think I would say that 14 statement. If you want to rephrase your question, 15 maybe I'm not understanding it. 16 Q. Certainly. 17 A. Because I previously testified, for 18 example, Bursey and Associates is something that we 19 provide in the document ourselves. So we've 20 identified an attorney, and we put that in the 21 document. So no, this document is not provided with 22 information solely from the creditor. 23 Q. What information is not solely from the 24 creditor? 25 A. The field of the attorney, Bursey and</p>